



11 October 2016

Dr WG Robert Harrison

fyi-request-4343-5be34936@requests.fyi.org.nz

Ref: 1617-0135

Dear Dr Harrison

Your request

Thank you for your request, dated 1 August 2016, under the Official Information Act 1982 (the Act):

“Under the OIA, I request all documentation, advice sought & received, costings, briefings to ministers and between officials in relation to the establishment of the NZ Space Agency. I also request all documentation in relation to the relationship between the government and Rocket Lab. I request all advice and documentation given to the Minister for MBIE in relation to the NZ Space Agency. I request all advice and documentation sought and/or provided by other countries, e.g. NASA. I request all advice and documentation between Government departments who may be a stakeholder in the NZ Space Agency e.g. GCSB.”

We sought to refine the scope of your request as we were concerned we would have to refuse it under section 18(f) of the Act because it would involve substantial collation.

On 3 August 2016 you refined your request to:

“All documentation and advice sought and/or provided by other countries, and other government agencies in relation to the Space Programme. In particular, all references and documentation to budgeting, record keeping, security, and overall safety.”

Background on the work the Government is currently doing to enable space activities from New Zealand

The Government announced in June 2016 the establishment of a regulatory regime to enable the development of a New Zealand-based space industry. As you may be aware, the regime is managed by the New Zealand Space Agency (the Agency), created within the Ministry of Business, Innovation and Employment (MBIE). MBIE is the Government’s lead advisor on growth and innovation.

The Agency has coordinated the development of legislation with input from a core group of New Zealand government agencies including the Ministry of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet, the Ministry of Transport, the New Zealand Defence Force and the Ministry of Defence.

The legislation – the Outer Space and High Altitude Activities Bill, is the centre-piece of the new regime ensuring the development of a peaceful, safe, responsible and secure space industry that meets New Zealand’s international obligations. The Bill is expected to become law in mid-2017. Development of a New Zealand-based space industry is aligned to the Government’s Business Growth Agenda which includes actions to develop New Zealand as a hub for high-value, knowledge-intensive businesses that create value through innovation and Research and Development. There is an opportunity to build New Zealand’s capacity and expertise in space activities, such as in designing, building and launching satellites. There are also opportunities related to using space technologies and advanced materials in a range of industries and applications. Additional spin-offs would include the potential to attract off-shore talent and investment; and increased tourism into New Zealand to observe rocket launches.

The first-ever New Zealand rocket launch is expected to happen this year from the Mahia Peninsula. Rocket launcher Rocket Lab then plans regular commercial launches of small satellite payloads from mid-2017.

The scope of your request

We have interpreted the scope of your refined request as including information that reflects advice and documents received from other New Zealand government agencies and foreign countries relating to budgeting, record keeping, safety and security of outer space activities conducted from New Zealand.

Documents released

Based on this interpretation, we are releasing a number of documents which include the information you are seeking, as detailed in Table One.

Nine documents (Documents 1 to 9, Table One) within the scope of your request have been proactively released under the Act in June. As we indicated to you in our email in August 2016, these are available on our website (<http://www.mbie.govt.nz/info-services/sectors-industries/space/background-information>).

We are releasing under the Act an additional five documents (Documents 10 to 14) that have not been previously released. These are enclosed.

Where indicated, content within the documents has been withheld on the following grounds of the Act:

- the making available of that information would be likely prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand (section 6(a))
- the release of the information would prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by another Government (section 6(b)(i))
- the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons (section 9(2)(a))
- the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied (section 9(2)(b)(i))

- the making available of the information would be likely unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (section 9(2)(b)(ii))
- the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the collective and individual ministerial responsibility (section 9(2)(f)(ii))
- the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials (section 9(2)(f)(iv))
- the withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty (section 9(2)(g)(i))
- the withholding of the information is necessary to maintain legal professional privilege (section 9(2)(h)), and
- the withholding of the information is necessary to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (section 9(2)(j)).

Documents withheld

Some documents containing information within the scope of your request have been withheld in their entirety under the following grounds of the Act, specifically:

- some advice and documents from foreign government agencies as the release of this information will prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government (section 6(b)(i)) or the release of the information would likely prejudice the security or defence of New Zealand (section 6(a))
- some advice and documents from New Zealand agencies as the release of the information would likely prejudice the security or defence of New Zealand (section 6(a))
- some documents the release of which is likely to prejudice the commercial position of Rocket Lab (section 9(2)(b)(ii))
- advice from officials on ongoing policy matters in relation to launch infrastructure and safety zones is being withheld to protect the confidentiality of advice tendered by officials (section 9(2)(f)(iv))
- some documents that contain the free and frank opinion of employees of New Zealand government agencies (section 9(2)(g)(i)), and
- material related to drafting the Outer Space and High Altitude Activities Bill is being withheld to maintain legal professional privilege (section 9(2)(h)).

The Cabinet paper that sought Cabinet agreement to the Technology Safeguard Agreement (TSA) with the United States is also being withheld. The TSA, National Interest Analysis of the TSA and select committee examination of the TSA are available on the Parliamentary website. The Cabinet paper is being withheld on the ground that:

- the making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government (section 6(a) and (b)(i)); and,
- the withholding of the information is necessary to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (section 9(2)(j)).

I do not consider the withholding of information and documents is outweighed by public interest considerations in making the information available.

Documents refused

I am also refusing your request under section 18(f) of the Act as it relates to two documents because the information will soon be made publicly available. The two documents are:

- the final signed contract between the New Zealand Government and Rocket Lab (the Contract), and
- the August 2016 Cabinet Paper: Contract between the New Zealand Government and Rocket Lab.

You have the right to seek an investigation and review of our decision to withhold or refuse information by the Ombudsman, whose address for contact purposes is PO Box 10-152, Wellington 6143.

Other information in the public domain

In addition, a number of foreign government agencies and New Zealand government agencies directed us to information relating to the security and safety of outer space activities that is already publicly available. We have listed these in Table Two as it may be of interest to you.

I appreciate your patience with this request and apologise for the delay. If you would like more information about the New Zealand Space Agency, please do not hesitate to contact me.

The Ministry will endeavour to proactively provide information on our website to ensure New Zealanders are informed of the work in this area.

Yours sincerely,



Katherine MacNeill
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